Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(C.G.)

WRIT PETITION NO. 68 /2005

PETITIONER

Smt. Deepmala Sonwani W/o Shri Dinesh Sonwani, Aged about 24 years, Occupation-Unemployed/House Wife, R/o Village-Tekarapara, P.O. Bori, Tahsil Dhamdha, District Durg, (Chhattisgarh)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary, Department of Panchayat, D. K. S. Bhawan, Raipur, (C.G.).

2. The Chief Election Officer, Mantralay, D.K.S. Bhawan, Raipur (Chhattisgarh)

3. The District Returning Officer / Collector, District Durg, (C.G.).

4. The Assistant Returning Officer, Panchayat Election, Block Dhamdha, District Durg, (C.G.).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS ETC. AND FOR APPROPRIATE ORDER

(38)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 68/2005 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	18-1-2005 On a mention being made, the case is taken up for hearing. Shri Ali Asgar, counsel for the petitioner. Shri Sanjay S. Agrawal, Govt. Advocate for the State /respondents. Heard both the counsel. Return has already been filed on behalf of respondents 1, 3 and 4. The petitioner by this writ petition under Article 226/227 of the Constitution of India seeks to challenge the order of respondent No.4 whereby the petitioner's nomination paper has been rejected on the ground that she is underage to contest the election. Return has been filed on behalf of respondents 1, 3 and 4 in which it has been mentioned that as per the eligibility criteria a candidate must have attained the age of 21 years for contesting the election whereas, the petitioner herself has mentioned her age as 19 years in the nomination paper and also in the additional declaration paper, therefore, as per own admission of the petitioner she is 19 years of age, therefore, she is not eligible to contest the election that is why her nomination paper has been rejected.	

(32)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Learned counsel for the petitioner submitted that the date of birth of the petitioner is 5-7-1980; therefore, thereby she is more than 24 years of age.

But, this disputed fact cannot be gone into in the writ jurisdiction, as the petitioner herself has mentioned in the nomination paper and also in the supporting additional declaration paper that she has completed 19 years of age, therefore, I do not find any reason to interfere in the election process.

In the circumstances, this petition is liable to be dismissed and it is accordingly dismissed. However, the petitioner is at liberty to avail alternative remedy available to her under the law.

Consequently, M.(W.)P. No.72/2005 and I.A. No.203/2005 also stand disposed of.

Sd/-
L.C. Bhadoo
Judge

Barve